

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. CV 17-3358 DMG (AFMx)

Date October 5, 2017

Title Tiffany Burton, et al. v. Nutribullet, L.L.C. et al.

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Present: The Honorable DOLLY M. GEE, UNITED STATES DISTRICT JUDGE

KANE TIEN

Deputy Clerk

NOT REPORTED

Court Reporter

Attorneys Present for Plaintiff(s)

None Present

Attorneys Present for Defendant(s)

None Present

**Proceedings: IN CHAMBERS - ORDER TO SHOW CAUSE WHY THIS ACTION
SHOULD NOT BE DISMISSED FOR LACK OF SUBJECT MATTER
JURISDICTION**

On May 3 2017, Plaintiffs Tiffany Burton and Charles Burton filed a Complaint in this Court against Defendant Nutribullet, L.L.C. (“Compl.”). [Doc. # 1.] The Complaint alleges the following causes of action: (1) negligence; (2) strict liability—failure to warn; (3) strict liability—manufacturing defect; (4) strict liability—design defect; (5) breach of implied warranty of merchantability; (6) unfair competition in violation of California Business and Professions Code § 17200, *et seq.*; (7) negligent infliction of emotional distress; and (8) loss of consortium. *See* Compl. at 6–16.

Plaintiffs assert subject matter jurisdiction based on diversity of citizenship, 28 U.S.C. § 1332(a). Compl. at ¶ 5. To establish diversity jurisdiction, there must be “complete diversity between the parties—each defendant must be a citizen of a different state from each plaintiff.” *Diaz v. Davis (In re Digimarc Corp. Derivative Litig.)*, 549 F.3d 1223, 1234 (9th Cir. 2008) (citing *Strawbridge v. Curtiss*, 7 U.S. (3 Cranch) 267, 267, 2 L. Ed. 435 (1806)). Plaintiffs allege that they are citizens of Texas. *See* Compl. at ¶ 1. Nonetheless, they do not adequately allege Defendant Nutribullet, L.L.C.’s citizenship. Because Defendant is a limited liability corporation, it is a citizen of every state of which its owners or members are citizens. *Johnson v. Columbia Props. Advantage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). Although the Complaint alleges that Defendant Nutribullet, L.L.C. is a California Limited Liability Corporation with its principal office in Los Angeles, California, *see* Compl. at ¶ 2, it does not allege the citizenship of all Defendant’s owners and/or members. Accordingly, the Complaint fails to establish that complete diversity of citizenship exists.

In light of the foregoing, Plaintiffs are **ORDERED TO SHOW CAUSE** in writing by **October 12, 2017** why this action should not be dismissed for lack of subject matter jurisdiction.

IT IS SO ORDERED.